

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
JAMES EDWARD LUEDTKE,) CASE NO. 08-21611 JPK
) Chapter 13
Debtor.)

ORDER CONCERNING MOTION FOR CONTINUANCE OF
CONFIRMATION HEARING AND ENLARGEMENT OF TIME TO
OBJECT TO CONFIRMATION AND ENLARGEMENT OF TIME
TO OBJECT TO DEBTOR'S DISCHARGE ("MOTION")

The Motion was filed on behalf of Falk PLI Engineering & Surveying, Inc. on August 15, 2008. This Motion was filed in a flurry of documents filed on behalf of the same creditor, most of which evidence a total disregard for the rules of the United States Bankruptcy Court for the Northern District of Indiana.

First, the Motion fails to conform to N.D.Ind.L.B.R. B-9013-1(a). The Motion requests continuance of the confirmation hearing scheduled for August 25, 2008; requests an enlargement of time for objection to confirmation of the proposed plan; and requests an enlargement of the time within which the creditor may object to discharge of indebtedness alleged by the creditor to be owed to it by the debtor. While perhaps the request for continuation of the confirmation hearing and continuation of the deadline for objection to confirmation may be relatively within the provisions of N.D.Ind.L.B.R. B-9013-1(a), the additional request for extension of the discharge deadline is clearly not. N.D.Ind.L.B.R. B-4004-1(a) states the requirements with respect to motions for an extension of time to file complaints to determine the dischargeability of a debt, and there has been no compliance with that rule. The combination of the matters addressed by the Motion violates N.D.Ind.L.B.R. B-9013-1(a), and for that reason the Motion will be denied.

The court also notes that in its view 11 U.S.C. § 1324(b) states a mandatory time frame for the initiation of a hearing regarding confirmation of a debtor's Chapter 13 plan, and that

there is no provision in that rule for extension of the date of initiation beyond the 45 days stated in that statute. A creditor who deems the debtor's plan to be submitted at that hearing to be objectionable must file an objection within the time designated by the court's order scheduling that hearing as best it can, based upon the information available to it at the time the objection is filed. In short, the court does not deem there to be any basis to continue the confirmation hearing as requested by the Motion, and the court will not extend the deadline for objecting to confirmation beyond that stated in the court's order by which the confirmation hearing was scheduled.¹

IT IS ORDERED as follows:

1. The request for continuance of the confirmation hearing stated in the Motion is denied;
2. The request for enlargement of time to file an objection to confirmation, geared as it is to the request for continuance of the confirmation hearing, is denied;
3. The request for an extension of time to file a complaint objecting to dischargeability of the creditor's indebtedness is denied; provided, however, that if a motion in conformity with N.D.Ind.L.B.R. B-4004-1 is filed within 10 days of the date of entry of this order, that request will be deemed to relate back to the date of the filing of this Motion.

Dated at Hammond, Indiana on August 28, 2008.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtor, Attorney for Debtor
Trustee, US Trustee
Attorney for Creditor

¹ The creditor's objection to confirmation filed on August 24, 2008 was addressed at the August 25, 2008 confirmation hearing.